

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

ORLAND PAYNE,

Plaintiff

v.

ALLIED INTERSTATE, INC.,

Defendant

)  
) CASE NO: 6:12-cv-06136-MAT  
)  
) District Judge Michael A. Telesca  
)  
) Magistrate Judge Jonathan W. Feldman  
)  
)  
) NOTICE OF MOTION FOR ATTORNEYS'  
) FEES AND COSTS  
)  
\_\_\_\_\_)

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, the Declarations of his counsel, and exhibits attached thereto, together with all prior pleadings and proceedings had herein, Plaintiff, Orland Payne, hereby respectfully moves this Court for an Order granting Plaintiff's attorneys' fees and costs, and for such further relief as the Court may deem just and proper.

Respectfully Submitted,

Kimmel & Silverman, P.C.

By: /s/ Craig Thor Kimmel

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Dated: October 17, 2012